

REMARKS/ARGUMENTS

Claims 1-6 are present in this application. By this Amendment, claim 1 has been amended, and claim 6 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1 and 3 were rejected under 35 U.S.C. §102(b) over Japanese Patent Publication 09-242533 or British Patent No. 1,473,219. This rejection is respectfully traversed.

Without conceding the characterizations of JP ‘533 and British ‘219 in the Office Action, claim 1 has been amended to recite that the gap between the catalyst carrier and the casing is substantially constant along an axial length of the catalytic converter. Support for this amendment can be found, for example, in Fig. 5. In contrast, the gap in the JP ‘533 publication is not constant. Rather, with reference to the drawings and the Abstract, JP ‘533 discloses a catalytic converter including a “taper-shaped outer cylinder.” The Office Action recognizes that the casing in JP ‘533 is formed as a “conical outer shell.” The British ‘219 patent discloses a similarly-shaped casing 1 as shown for example in Fig. 2.

Since at least this subject matter is lacking in JP ‘533 and UK ‘219 patent, Applicants respectfully submit that the rejection of claim 1 is misplaced.

With regard to claim 3, without conceding the characterizations in the Office Action, Applicants submit that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2, 4 and 5 were rejected under 35 U.S.C. §103(a) over JP ‘533 or the UK ‘219 patent. In this context, however, without conceding the characterizations in the Office Action, neither reference provides any suggestion to modify its structure to include a constant gap along

an axial length of the catalytic converter. As such, Applicants submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 6 has been added, reciting that the catalyst carrier has a constant diameter across its entire length. In addition to the fact that this dependent claim is allowable by virtue of its dependency on an allowable independent claim, with reference to the comments above, this subject matter is lacking in the references of record.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Alan M. Kagen/
 Alan M. Kagen
 Reg. No. 36,178

AMK:jl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100